

C/m  
b/f

Alien # A42-468-685

CH/05 C/ECF

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
MICHAEL ANTHONY McINTOSH,

Petitioner,

-v-

**ORDER**  
01-CV-1854 (ADS)

IMMIGRATION AND NATURALIZATION SERVICES,

Respondent,

JOHN ASHCROFT, The Attorney General of the United States,

Additional Respondent.  
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**FILED**  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

**APPEARANCES:**

**MICHAEL ANTHONY McINTOSH**

Petitioner *Pro Se*

Din # 99-A-2213

Downstate Correctional Facility

Fishkill, New York 12524-0445

★ MAY 20 2005 ★  
15-2505 Joe  
LONG ISLAND OFFICE

**ROSLYN R. MAUSKOPF**

United States Attorney, Eastern District of New York

610 Federal Plaza

Central Islip, New York 11722

By: AUSA Mary Elizabeth Delli-Pizzi

The instant petition for a writ of *habeas corpus* under 28 U.S.C. § 2241  
challenging an order of deportation was filed on March 26, 2001. On May 11, 2005,  
Congress enacted the Real ID Act of 2005 ("the Act"), Pub. L. No. 109-13, §106, 119



Stat. 231, which among other things, provides:

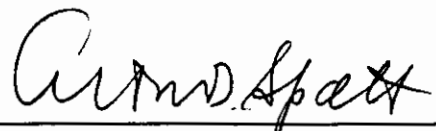
“[i]f an alien’s case, brought under section 2241 of title 28, United States Code, and challenging a final administrative order of removal, deportation, or exclusion, is pending in a district court on the date of the enactment of this division, then the district court shall transfer the case (or the part of the case that challenges the order of removal, deportation or exclusion) to the court of appeals for the circuit in which a petition for review could have been properly filed...”

The Act specifically states that these provisions shall take effect on the enactment date and shall apply to cases “in which the final administrative order of removal, deportation, or exclusion was issued before, on, or after the date of the enactment of this Act.”

Accordingly, this Court cannot hear the instant action and transfers it to the United States Court of Appeals for the Second Circuit pursuant to § 106 of the Real ID Act of 2005. The Clerk of Court shall transfer this matter to the Second Circuit and close this case.

**SO ORDERED.**

Dated: Central Islip, New York  
May 25, 2005



ARTHUR D. SPATT  
United States District Judge